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United States District Court
Northern District of California
San Francisco Division

Commodity Futures Trading Commission,) Case No.: No. 05-2142 PJH
Plaintiff,)
vs.)
Robert Joseph Beasley, Longboat Global)
Funds Management, LLC,)
Defendant)

Pursuant to L.R. 6-1(b) and L.R. 6-2, the plaintiff, Commodity Futures Trading Commission, defendants, Robert Joseph Beasley and Longboat Global Funds Management, LLC, submit this stipulated request for an order to reschedule the hearing on Defendants' motion to dismiss. Pursuant to L.R. 6-2(a), and in support of this stipulated request, plaintiff's counsel, Allison Lurton, submits the attached declaration.

For the reasons set forth in the attached declaration, the parties respectfully request an order rescheduling the hearing on Defendant's motion to dismiss, presently scheduled for December 21, 2005, to January 25, 2006.

Dated this 29th day of November, 2005

/s/ Allison P. Lurton
Allison P. Lurton
Attorney for Plaintiff,
Commodity Futures Trading
Commission

/s/ David W. Porteous
David W. Porteous
Attorney for Defendants
Robert Joseph Beasley
Longboat Global Funds
Management, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED,

12/1/05

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Hon. Phyllis J. Hamilton

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16 Commodity Futures Trading Commission,) Case No.: No. 05-2142 PJH
17 Plaintiff,) Declaration in Support of Stipulated Request
18 vs.) for Order to Reschedule Hearing on
19 Robert Joseph Beasley, Longboat Global) Defendants' Motion To Dismiss to January 25,
20 Funds Management, LLC,) 2006
21 Defendant)
22

23 In support of the parties' Stipulated Request for Order to Reschedule Hearing on
24 Defendants' Motion To Dismiss to January 25, 2006, Allison Lurton, Counsel for Plaintiff,
25 Commodity Futures Trading Commission, declares as follows:

1. On October 3, 2005, the Plaintiff, Commodity Futures Trading Commission
2. ("Commission"), filed its amended complaint in this action.
3. On November 8, 2005, Defendants Robert Joseph Beasley and Longboat Global
4. Funds Management, LLC filed a motion to dismiss the amended complaint pursuant to
5. Fed.R.Civ.P. 12(b)(6) and 12(f) and scheduled it for hearing on December 21, 2005 at 9:00 a.m.

1 3. The Commission intends to file an opposition to the Defendants motion but is
2 unable to complete its opposition by 21 days before the hearing, as required by L.R. 7-3(a).
3 Plaintiff's counsel has been unable to complete the opposition due to work in other cases,
4 including a preliminary injunction hearing that took place on November 22, 2005, in Comm. Fut.
5 Trad. Comm. v. American Derivatives et al., Case No. 05-2492 (N.D. Ga.). Plaintiff's counsel
6 anticipates needing only minimal additional time to complete the opposition.

7 4. On November 28, 2005, I contacted counsel for Defendants, David Porteous, to
8 inquire about rescheduling the hearing set for December 21, 2005, to allow the parties additional
9 time to complete the opposition and reply. Mr. Porteous indicated that he would stipulate to
10 move the hearing date to a date that was mutually agreeable, and would provide enough time for
11 him to prepare and file the Defendants' anticipated reply brief 14 days prior to the hearing date.

12 5. I also conferred with Mr. Porteous concerning the parties' interest in re-
13 scheduling the hearing to a date in January when the parties could address both the hearing on
14 the motion to dismiss and the pending case management conference, currently scheduled for
15 December 15, 2005. By January, the parties believe that additional progress will have been
16 made by the Temporary Receiver in this case, aiding the parties in their required disclosures and
17 in streamlining the issues in this case. Counsel for Plaintiff and Defendants both believe that
18 moving the hearing on the motion to dismiss and the case management conference to January
19 25th will be a more efficient use of judicial resources.

20 6. Accordingly, the parties respectfully request that the hearing on Defendants'
21 motion to dismiss be rescheduled from December 21, 2005 to January 25, 2006.

22 7. Previous time modifications in this case include the rescheduling of the case
23 management conference from September 22, 2005, to December 15, 2005 and the extension of
24 the deadline by which the parties are to complete mediation from December 15, 2005 to
25 February 15, 2006.

8. At this time, the request to reschedule the hearing is not expected to impact in a significant way the schedule of this case. While the parties are asking that this hearing date and the case management conference date be rescheduled, the parties believe that the change will make the hearing and the conference more meaningful and productive because the parties expect to have more information at that time. For this reason, I do not believe that the overall impact on the schedule in this case will be significant.

Dated this 29th day of November, 2005

/s/ Allison P. Lurton
Allison P. Lurton
Counsel for Commodity
Futures Trading Commission